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June 9, 2005

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Art Unit: 1644

Mail Stop Amendment

Confirmation No.: 8008

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Re:

U.S. Utility Patent Application

Application No. 09/350,401; Filed: July 8, 1999

For: Inducing Cellular Immune Responses to Hepatitis B Virus Using

Peptide and Nucleic Acid Composition

Inventors: SETTE et al.

Our Ref: 2060.0060008/PAJ/M-M

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fifth Supplemental Information Disclosure Statement;

2. List of Documents cited on Form PTO-1449 (2 Pages); and

3. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Sterne, Kessler, Goldstein & Fox P.L.C.: 1100 New York Avenue, NW: Washington, DC 20005: 202.371.2600 f 202.371.2540: www.skgf.com

Commissioner for Patents June 9, 2005 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

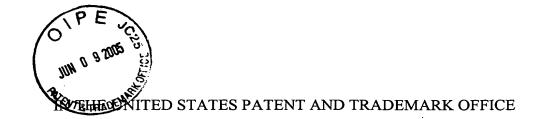
Sterne, Kessler, Goldstein & Fox P.L.L.C.

Peter A. Jackman

Attorney for Applicants Registration No. 45,986

PAJ/M-M/awt Enclosures

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In re application of:

Sette et al.

Appl. No.: 09/350,401

Filed: July 8, 1999

For:

Inducing Cellular Immune

Responses to Hepatitis B Virus Using Peptide and Nucleic Acid

Compositions

Confirmation No.: 8008

Art Unit:

1644

Examiner:

SCHWADRON, Ronald B.

Atty. Docket: 2060.0060008/PAJ/M-M

Fifth Supplemental Information Disclosure Statement

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450 Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

The numbering on this Fifth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Fourth Supplemental Information Disclosure Statement filed April 11, 2005, in connection with the above-captioned application.

Copies of all U.S. Patents and U.S. Patent Application Publications, cited on Form PTO-1449 as documents AJ200, AK200 and AA201-AI201, are not provided in accordance with 37 C.F.R. § 1.98(a)(2).

A copy of document AR210 and AS210 are not provided in accordance with the U.S. Patent and Trademark Office OG notice of October 19, 2004, which states: "the requirement in 37 C.F.R. § 1.98(a)(2)(iii) for a legible copy of the specification, including the claims, and drawings of each cited pending U.S. patent application (or portion of the application which

caused it to be listed) is *sua sponte* waived where the cited pending application is stored in the USPTO's IFW system."

The Examiner's attention is directed to the following co-pending U.S. Patent Application, which is directed to related technical subject matter:

U.S. Patent Application No. 10/817,970, Grey et al., filed April 6, 2004 and cited as document AR210.

U.S. Patent Application No. 10/654,601, Sette et al., filed September 4, 2003 and cited as document **AS210**.

The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to this application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached Form PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Reg # 36,688

Peter A. Jackman

Attorney for Applicants Registration No. 45,986

Date: 6/9/05 100 New York Avenue, N

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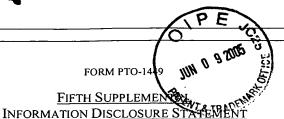
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APPLICATION NO. 09/350,401

Page 2 of 2

Sette et al.

FILING DATE

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July 8, 1999 1644 **U.S. PATENT DOCUMENTS** EXAMINER INITIAL DOCUMENT NUMBER DATE NAME CLASS SUB-CLASS FILING DATE AA201 6,602,510 08/05/2003 Fikes et al. 04/05/2000 AB201 2002/0160960 10/31/2002 Sette et al. 04/11/2002 AC201 2003/0143672 07/31/2003 Tangri et al. 04/05/2002 AD201 2003/0216342 11/20/2003 Fikes et al. 02/21/2003 2003/0216343 11/20/2003 AE201 Fikes et al. 02/21/2003 AF201 2004/0096445 05/20/2004 Sidney et al. 08/22/2001 AG201 2004/0157273 08/12/2004 Sidney et al. 01/29/2002 AH201 2005/0049197 03/03/2005 Sette et al. 10/07/2004 AI201 2005/0063983 03/24/2005 Sette et al. 09/04/2003 ΑJ AK FOREIGN PATENT DOCUMENTS **EXAMINER** DOCUMENT NUMBER DATE COUNTRY TRANSLATION INITIAL CLASS SUB-CLASS Yes AL No Yes AM No Yes AN No Yes AO No Yes ΑP No OTHER (Including Author, Title, Date, Pertinent Pages, etc.) AR AS AT **EXAMINER** DATE CONSIDERED

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